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AIR AND RADIATION

MEMORANDUM

SUBJECT: OTAQ Meetings for 2012 NCP Rulemaking

FROM: Byron Bunker

TO: Docket Number EPA-HQ-OAR-2011-1000

DATE: 20 August 2012

After issuances of EPA's notice of proposed rulemaking (NPRM) representatives of various engine manufacturers met with me and other representatives of EPA's Office of Transportation and Air Quality (OTAQ), to discuss the 2012 Nonconformance Penalty (NCP) proposal. This memorandum summarizes these meetings which occurred at EPA headquarters or via phone.

On March 8, 2012, representatives of Volvo including Executive VP for North America Dennis Slagle, Jan-Eric Sundgren – Exec VP Volvo Group, and Jonathan Miller – VP Government Relations and Public Affairs met with OTAQ to discuss the NCP rulemaking. Representatives of EPA included Margo Oge, Office Director – OTAQ. During the meeting Volvo raised issues consistent with the written comments they would later file including arguments that an NCP was unwarranted under these circumstances, and that if granted, the NCP penalty should be substantially higher. Volvo was encouraged to provide written comments supplementing their statements which they did.

On March 22, 2012, representatives of Cummins met with OTAQ to discuss the rulemaking. Representatives from Cummins included John Wall, Chief Technical Officer for Cummins. Representatives of EPA included Margo Oge, Office Director –OTAQ. Cummins repeated concerns it raised at the public hearing that the NCP levels were too low and presented a cost analysis that provided evidence for a higher penalty.

On May 17, 2012 representatives of Navistar held a phone call with EPA representatives to discuss the rulemaking. Steve Covey, Larry Levine and Patrick Charbonneau participated in the meeting for Navistar. Michael Horowitz, Justing Greuel, Gregory Orehowsky and I represented EPA in the meeting. During the meeting Navistar's inability to produce compliant products in a timely manner was discussed including confidential information regarding specific product schedules for Navistar's 11, 13 and 15 liter engine products, and their need for NCPs. Navistar later supplemented their statements with written comments on May 22, 2012 consistent with the information Navistar shared during the conference call.